

IN THE UNITED STATES DISTRICT COURT
OF NEW MEXICO

Barbara Andersen)
Plaintiff) Case 20-cv- 00553-JFR
v.)
Forrest Fenn; Unknown Defendant)

**MOTION TO VOLUNTARILY DISMISS WITH LEAVE TO REINSTATE OR,
ALTERNATIVELY, MOTION TO STAY**

Barbara Andersen, as her own attorney, hereby files this motion to voluntarily dismiss this litigation with leave to reinstate or, alternatively, to stay this litigation:

1. There are a few motions pending before this Court. As this Court is aware, Andersen maintains that her solve relative to the Fenn treasure is correct.
2. As this Court is also aware, the “Finder” is a former Onion writer who appears to be tied with New Mexico tourism. His “find” announcement thus far is absurd as are the photos of the chest (which is photoshopped etc). In other words, it is looking more and more as though Andersen was pranked by someone on “Team Forrest” as part of a prank ending. Andersen has plead same in her pending motion for leave to file an amended complaint (Count II). It is unclear at this time as to whether the representation that the chest is in Santa Fe is also a prank or not.
3. In addition, despite the public silence of the Fenn family etc., Andersen continues to be teased daily on the blogs etc. relative to her solve. So, it appears that Andersen is being teased by “Team Fenn” to either return to her spot aka “Pepe” (the broken real blaze) or to wait on something else from the Fenn family. Andersen cannot yet return to Santa Fe in that she is in the middle of trial/briefs and her home has not yet sold.
4. Andersen asks this Court for time to allow Andersen to return to New Mexico so that she can revisit her area and wait to hear further from “Team Fenn” (i.e. movie, book, call to return to her area). Andersen would think that she will likely be living in Santa Fe by the summer.

5. Andersen would be prepared to voluntarily dismiss and reinstate this case after the summer if necessary. However, due to the fact that this Court struck her complaint, Andersen is concerned that res judicata would then bar her from returning to re-file against Jack Stuef and/or the Estate of Fenn if she voluntarily dismissed at this juncture. As such, Andersen asks that this Court include express language in its order that Andersen is able to re-file without a potential bar of res judicata. Alternatively, Andersen asks that this Court stay this litigation until after the summer or via motion by Andersen.

6. If this Court is not inclined to grant either request, Andersen will proceed with the litigation when this Court is ready.

Wherefore, Andersen requests that this Court either (a) grant Andersen leave to voluntarily dismiss with express language in the order that Andersen is given leave to re-file and that res judicata will not bar her if she needs to re-file this litigation or (b) that Andersen's alternative request to stay this litigation be granted.

Respectfully submitted:

/s/ Barbara Andersen

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CERTIFICATE OF SERVICE

Barbara Andersen hereby certifies that on January 25, 2021 the **MOTION TO VOLUNTARILY DISMISS WITH LEAVE TO REINSTATE OR, ALTERNATIVELY, MOTION TO STAY** was filed and delivered via the ECF filing system to:

Service list:
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/s/Barbara Andersen

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